

During a telephonic interview with the Examiner on January 4, 2002, Applicants, through their attorneys, discussed the inventive concept of a thermal bridge and proposed claim language reflecting the same. Applicants also discussed the absence of the formation of a thermal bridge by the prior art. Specifically, Applicants, through their attorneys, explained that a thermal bridge would not be formed in the Genentech device disclosed in the 1992 article by Wisniewski and Wu or in the present invention if the gap between the heat transfer member and the interior wall was too large, even after the medium freezes.

During the telephonic interview, the Examiner indicated that he would consider additional proof of this explanation in the form of a declaration or drawings. Accordingly, in further support of this explanation, Applicants respectfully submit herewith a Declaration of Richard Wisniewski. As stated in Mr. Wisniewski's declaration and shown in the figures provided in Exhibits B-D, a thermal transfer bridge does not form in the Genentech device before or after the medium freezes because heat is not transferred from the heat transfer member through the medium in the gap to the interior wall. Rather, heat is transferred from the medium at a location in the gap to the interior wall and to the heat transfer member. See Declaration of Richard Wisniewski, ¶¶ 7-9.

The same principle applies if the gap between the heat transfer members and the interior wall of the present invention is too large, even after the medium freezes. See Declaration of Wisniewski, ¶ 10.

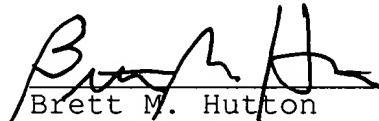
Allowance of new claims 69-89 is therefore respectfully requested.

PATENT

ATTORNEY DOCKET NO.: 2035.706

Should the Examiner wish to further discuss this case with applicants' attorney, please contact applicants' attorney at the below listed number.

Respectfully submitted,


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